

CASCADE COUNTY COMMISSION MEETING

June 14, 2016

COMMISSION CHAMBERS

COURTHOUSE ANNEX, ROOM 111

9:30 A.M.

Notice: These minutes are paraphrased and reflect the proceedings of the Board of Commissioners. MCA 7-4-2611 (2) (b). These minutes were officially approved at the June 28, 2016 meeting.

Present: Chairman Joe Briggs, Commissioner Jane Weber, and Commissioner Jim Larson.

Staff: Susan Conell, Alex Dachs, Carey Ann Haight, Michaela Fraser and Marie Johnson.

Public members; Kathy Christensen, Kelly Parks, Steve Erwin, Benjamin Sidor, Deen Pomeroy, Leslie Southworth, Trisha Gardner, Mary Embleton, Wendy Lea Davids, and Jolene Schlaper.

Reading of the Commissioners calendar: Michaela Fraser, read the weekly calendar.

Purchase orders and accounts payable warrants: Commissioner Larson made a **MOTION** to approve the purchase orders and accounts payable warrants. Approved purchase orders and accounts payable checks #263272 thru #263436 totaling \$712,310.60 dated 0516/2016 thru 05/20/2016, purchase orders and accounts payable checks #263437 through #263688 totaling \$1,458,184.50 dated 05/24/2016 thru 05/27/2016. Approved purchase orders and accounts payable checks #263689 through #263759 totaling \$212,150.44 dated 05/31 thru 06/03/2016 **Motion carries 3-0**

Consent agenda: The consent agenda is made up of routine day-to-day items that require Commission action. Any Commissioner may pull items from the Consent Agenda for further discussion/vote.

Approval of the Minutes and Consent Agenda Items: Commissioner Weber made a **MOTION** to approve minute entries, also the approval of routine contracts as follows;

(B) Approval of Routine Contracts as Follows:

♦ **Board Appointment:** Ulm Fire Service Area. One (1) Vacancy, Applicant: Ed Hastings. Term Expiration: May 31, 2019.

♦ **Resolution 16-51:** Budget Appropriation within the Commission office for unanticipated revenues in the postage fund. Total Amount: \$23,000. **R0323870**

♦ **Resolution 16-52:** Cascade County and the City of Great Falls Joint Resolution adopting the Interlocal Agreement for a division of the 2016 Byrne Justice Assistance Grant (JAG) Program Award for the purchase of air cards for respective mobile data terminals. Award: \$29,879. (City/\$17,928 & County/\$11,951) **R0325630**

♦ **Resolution 16-53:** Budget Appropriation within the Public Works Department to move funds from Capital Building Reserve to the General Fund to pay special assessments to Macek Properties for work at the Executive Plaza building. Total Amount: \$203,075. **R0323871**

♦ **Resolution 16-54:** Budget Appropriation within Public Works to transfer five (5) employee positions from the ExpoPark Division budget to the Public Works budget. Total Amount: \$65,000. **R0323872**

♦ **Resolution 16-56:** Prosecutorial Assistance in the prosecution of State of Montana vs. K.J.H. **R0323908**

♦ **Contract 16-78:** FY 2017 Extension Services Agreement between Montana State University Extension and Cascade County. Effective: July 1, 2016-June 30, 2017. County Portion: \$211,808.20. **R0324793**

♦ **Contract 16-79:** Support Agreement between Montana State University-Extension and Cascade County for the Supplemental Nutrition Assistance Program-Education (SNAP-Ed). Effective: October 1, 2016-September 30, 2017. *R0323911*

♦ **Contract 16-82:** County Detention Center Reimbursement Agreement by and between the Department of Corrections, the Department of Justice and Cascade County. Effective: Date of signing to June 30, 2017. Daily Per Diem Rate: \$69.00.

♦ **Contract 16-83:** MT DPHHS Amendment to Purchase of Service Contract #1622100008 SFY2016 Budget Modification, Area VIII Agency on Aging. Additional \$64,880 for a total of \$804,743, plus an estimate of \$55,000 of NSIP funds for FY2016. (Ref: Contract 15-138) *R0324496*

♦ **Resolution 16-55:** Budget Appropriation to establish Administrative budget for Amended Master Contract 16221000008, Older Americans. Total Amount: \$7,692. (Ref: Contract 16-83) *R0323873*

♦ **Resolution 16-60:** Budget Appropriation to establish Senior Health Improvement Program budget for Amended Master Contract 16221000008, Older Americans. Total Amount: \$651. (Ref: Contract 16-83) *R0323875*

♦ **Resolution 16-61:** Budget Appropriation to establish Respite Services budget for Amended Master Contract 16221000008, Older Americans. Total Amount: \$6,486. (Ref: Contract 16-83) *R0323876*

♦ **Resolution 16-62:** Budget Appropriation to establish Preventative Health Services budget for Amended Master Contract 16221000008, Older Americans. Total Amount: \$1,077. (Ref: Contract 16-83) *R0323877*

♦ **Resolution 16-63:** Budget Appropriation to establish Congregate Meals budget for Amended Master Contract 1622101000008, Older Americans. Total Amount: \$3,686. (Ref: Contract 16-83) *R0323878*

♦ **Resolution 16-64:** Budget Appropriation to establish Delivered Meals budget for Amended Master Contract 16221000008, Older Americans. Total Amount: \$20,288. (Ref: Contract 16-83) *R0323879*

♦ **Contract 16-84:** Insuring Agreement between Cascade County/Mountain Patrol Search & Rescue *R0323912*

♦ **Contract 16-85:** Master Participating Agreement between Broadwater, Glacier, Jefferson, Judith Basin, Lewis and Clark, Meagher, Pondera, Powell, Teton, Cascade Counties and the USDA Forest Service. Purpose: Noxious Weed Inventory, Treatment, and Monitoring. Effective from date of last signature through May 25, 2021. *R0325883*

♦ **Contract 16-86:** Random Home Visits Contract between the Cascade County Sheriff's Office, the State of Montana, Office of Court Administrator and the 8th Judicial District Youth Court Services. Purpose: Random home visits for Juvenile Drug Court youth to ensure accountability. Effective: May 1, 2016 - June 30, 2017. Total payment to the County may not exceed: \$6,000. (Annual). *R0324497*

♦ **Contract 16-87:** United Way of Cascade County F/Y 2016 funding commitment for Aging Services, Meals on Wheels (Senior Nutrition Home Delivered Meals) program. Total Amount: \$24,000. *R0323913*

♦ **Contract 16-88:** United Way of Cascade County F/Y 2016 funding commitment for Aging Services, Foster Grandparents program. Total Amount: \$15,000. *R0323914*

♦ **Contract 16-89:** Corporation for National & Community Service Notice of Grant Award, Agreement #16SF183636 for the Foster Grandparent Program. Performance Period: July 1, 2016- June 30, 2017. Total CNCS Grant Award: \$200,951. Local Match: \$36,739. (Ref Contract 15-115, R0309049) *R0324141*

♦ **Contract 16-90:** MT DPHHS Purchase of Service 20143PARA0001, July 1, 2016 Modification Project Title: Paralegal Services. Effective date extended through June 30, 2017. Total Reimbursement Amount shall not exceed: \$37,790.38. (Ref Contract 15-55, R0307236) *R0323915*

♦ **Contract 16-91:** Utility Easement & Right of Access between Cascade County and Malteurop. *R0323916 - 917*

♦ **Contract 16-94:** Montana Senior Medicare Patrol (SMP) Memorandum of Understanding by and between Missoula Aging Services (Area XI Agency on Aging) and Area VIII Agency on Aging. Effective: June 1, 2016 - May 31, 2017. Total Compensation not to exceed: \$9,468. (renewal) *R0325543*

♦ **Contract 16-95:** MT DPHHS Purchase of Service 20123LEGL0001, July 1, 2016 Modification Project Title: IV-E Legal Services. Effective date extended through June 30, 2017. (Ref Contract 15-56, R0307237) *R0323919*

City-County Health Department

♦ **Contract 16-80:** Achieveit Online, LLC Licensing Agreement. Purpose: To use a cloud-based application for Health Department programs. Total Amount: \$3,600. Effective for one (1) year from date of signing. *R0324531*

♦ **Contract 16-81:** Great Falls Public Schools Foundation Discovery Grant Acceptance Form. Purpose: To reimburse the Maternal Child Health Block Grant for oral health supplies that are used during Oral Health Education in the Public Schools. Total Amount: \$1,800. *R0324898*

Community Health Care Center

♦ **Contract 16-92:** Employment Contract: Kate Antonich for Family Practice Nurse Practitioner clinical care services on a full-time basis to patients. Effective: June 3, 2016 – June 2, 2017. Compensation: \$85,966.40/annual. *R0325470*

♦ **Contract 16-93 HRSA** Notice of Award No. HC0CS00566-15-00, Title: Health Center Cluster, Budget: 06-01-2016-05-31-2017 Total Grant Amount: \$1,494,954.00/annual *R0323918*

♦ **Resolution 16-57:** Budget Appropriation for CHCC's June appropriation for budget due to offsetting grant year of June 1, 2015 - May 31, 2016. Total Amount: \$90,167.00. (Ref Contract 16-93) **Motion carries 3-0** *R0323874*

AGENDA ITEM #1

MOTION TO APPROVE/DISAPPROVE PRELIMINARY PLAT APPROVAL OF 1ST TIME MINOR SUBDIVISION REQUESTED BY KATHLEEN CHRISTENSEN IN THE TOWNSITE OF SIMMS.

Alex Dachs, Planner presented this item and read the synopsis and the 11 conditions (see agenda dated June 14, 2016).

Commissioner Larson questioned the water and sewer systems on this property. He was informed that DEQ would make sure that they are in compliance with their approval.

Kathy Christensen the applicant approached the Commission and stated she was wanting to downsize, and that the properties will not share the driveway as there are two driveways leading to the shop.

Commissioner Weber made a **MOTION** to conditionally approve the preliminary plat of the Amended Plat of Lot 1 of the Simms Original Townsite based on the staff report and findings of fact and subject to the 11 conditions outlined in the planning staff document.

Motion carries 3-0

AGENDA ITEM #2 20323909

MOTION TO APPROVE/DISAPPROVE RESOLUTION 16-58 FINAL RESOLUTION OF THE CASCADE COUNTY ZONING REGULATION UPDATE ADOPTION

Susan Conell Planning Director read the background (see agenda dated June 14, 2016). She also read a letter of support from Cheryl M. Reichert, MD, PhD (see Exhibit "A"), and noted that the close of the protest period was May 31, 2016.

Chairman Briggs called for public comment;

Kelly Parks of 525 40th Avenue South, approached the Commission stating that she believes that solar panels are fabulous, but she has concerns about the large scale of panels that will be placed on a 40-acre farm. She also shared her concerns about the clean-up of these panels once they have exceeded their useable life or if the originating company goes bankrupt. She suggested the County consider a bond requirement so taxpayers would not pay for their removal. Ms. Parks requested that the Commission disapprove this zoning adoption to consider the bond and also how the property is zoned. She noted that her property values will decrease by allowing this industrial use in the suburban residential area.

Susan Conell stated that this resolution would require an unclassified use permit which requires proposals to go before the Zoning Board of Adjustments and she stated that Section 12 in the zoning regulations addresses her clean up concerns.

Commissioner Weber acknowledged that Ms. Parks' suggestions were valid and should be considered when a permit is submitted for review. Weber further stated that she believed Ms. Parks' concerns were better addressed under the permitting process, not the Zoning Regulation issue before the commission today. Weber deferred her opinion to County Attorney Carey Ann Haight who affirmed that the issues raised by Ms. Parks should be addressed during the permit process.

Chairman Briggs mentioned that they might want to look into the regulations for a special subset permit that could contain the bonding requirement.

Kelly Parks thanked the Commission for their time and stated she just wanted to make the Commission aware of possible outcomes.

Commissioner Larson commended the Planning Department for all their hard work on the revisions of the planning regulations.

Jolene Schalper 300 Central Avenue Great Falls Development Authority thanked everyone for their efforts in updating the zoning regulations. She also commented on Ms. Parks concerns and felt they were good points made, that should be addressed in the permit process. She also stated that the solar project has investors from a reputable company so it would be unlikely that the company would go bankrupt. In closing Ms. Schalper applauded the planning staff for the overall updates.

Commissioner Larson made a **MOTION** to approve the final Resolution 16-58, to amend Cascade County Zoning Regulations, Sections 1,2,7,8,9,10,12 and create Section 18.

Motion carries 3-0

AGENDA ITEM #3 20311345

PUBLIC HEARING FOR RESOLUTION 16-59 ROAD ABANDONMENT 31ST AVENUE SOUTH FROM 9TH STREET SOUTH TO PARK VIEW DRIVE SOUTH AND THE ALLEY THAT RUNS NORTH AND SOUTH IN BLOCK 18 AND BLOCK 23.

Public Hearing

Chairman Briggs opened the public hearing at 10:15 a.m. and recessed the regular meeting.

Reading of the Public Notice

The reading of the public notice was waived without objections and made part of the record (see exhibit "B").

Staff Presentation

Alex Dachs read that background, synopsis and two (2) conditions for this road abandonment (see agenda dated June 14, 2016).

Call for Applicant

Benjamin Sidor of Woith Engineering represented the owners stating that they would like to combine their property.

Call for Written Testimony

Chairman Briggs called for Written Testimony in which there was none.

Call for Opponents

Chairman Briggs called for Opponents three times in which there were none.

Call for Proponents

Chairman Briggs called for Proponents three times in which there were none.

Informational Witnesses

Chairman Briggs called for Informational Witnesses in which

Kelly Parks commented on this stating that it makes sense to abandon the alley and divide it into two (2) lots.

Close of the Public Hearing

Chairman Briggs closed the Public Hearing at 10:123 a.m. and reconvened the regular commission meeting.

Call for a Motion

Commissioner Weber made a **MOTION** to discontinue (abandon) that portion of 31st Avenue South and alley of block 18 and 23, as described within the planning staff report, identified on the map, and subject to the following conditions:

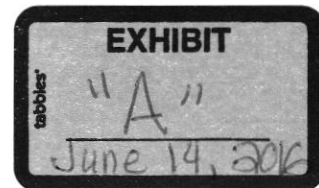
1. The discontinued road revert to the ownership of the adjacent property owner with the concurrence of any and all property owners, and
2. The petitioner cause to be filed a Certificate of Survey delineating the boundaries of the affected property within six (6) months of the date of resolution to discontinue said portion of road.

Motion carries 3-0

Commissioner Larson noted from his visit to this area that this will improve the neighborhood and encourage newer development for the larger lots.

Public Participation in decisions of the Board and allowance of public comment on matters the Commission has jurisdiction, on items not covered by Today's agenda. (MCA 2-3-103) No further comments were made.

Adjournment: Chairman Briggs adjourned this Commission meeting at 10:25 a.m.



DR. CHERYL REICHERT M.D., PH.D.

Pathologist • 51 Prospect Drive

Great Falls, MT 59405

Home Phone (406) 727-1964



May 24, 2016

Susan N. Conell, Cascade County Planning Director
121 4th St N # 2h
Great Falls, MT 59401

re: Zoning regulations for solar energy

Dear Ms. Conell & Planning Staff:

I would like to commend your department and Cascade County for its progressive attitude in adapting zoning regulations that will assist development of future solar energy projects. Thank you for soliciting public comment on this issue.

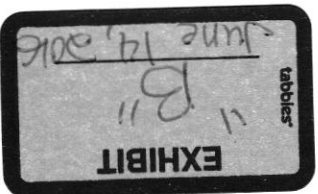
This anticipatory approach is a HUGE improvement over the county-sanctified, ill-fated 250 MW Highwood coal-fired generation station that would have spewed dangerous PM 2.5, mercury, and other pollutants into our Big Sky, as well as contributed to global warming.

In 2005 Charles Bocock and I had 10 photovoltaic solar panels installed at our home in Great Falls. With the exception of once having to shore up the connections to deal with Great Falls winds, our solar system has been maintenance-free and hassle free. We also installed battery back-up power for our system, so the many power outages that have occurred in our neighborhood have had minimal impact on our lifestyle.

Having multiple small commercial developments will allow more area residents to participate in the future clean energy revolution.

Sincerely yours,

Cheryl M. Reichert, MD, PhD



Justment will hold a County Planning Of-

public hearing on the public hearing on Thursday, June 16, 2016 at 9:00 AM in

the Commission above. The Planning Chambers of the Division may be Courthouse Annex contacted at (406)

(325 2nd Ave N, 454-6905.
Great Falls, Mont.- Alex Dachs,

Cascade County Planning Division (211349) 6/5, 12.

MNAxLP

NOTICE OF
PUBLIC
HEARING

NOTICE
IS

Geo Code: 02-2555-11-2-04-09-0000. The property is zoned

The property owner is Upland Angler, Agriculture (Ag). The property owner is Upland Angler, Agriculture (Ag).

ed and owned by Pe-
lodge LLC, operat-
325 2nd Avenue
North, Great Falls,
MT on Tuesday.

Zoning regulations and maps are on file in the Cascade a.m. to consider a

County Planning Office (121 4th St N, Suite 2 H/I, Great Falls, MN 56037) for the county road and al-

Any interested person may appear and be heard on the matter. The hearing will be held at 10 a.m. on Tuesday, June 15, 1993, at the County Courthouse, 31st Ave. South, 9th Street, South Park, New

speaking for or against the proposed Special Use Permit and said alley in Block 18 and Block 22.

may submit any written comments regarding said re- in Section 24, Town-

quest to the Cascade ship 20 NORTH,



Range 3 East, Cas- may be obtained by
cade County, Monta- writing the Depart-
ment of Public
Copies of the Peti- Health and Human
tion and supplemen- Services, 1400 Car-
tary material are on ter Drive, P.O. Box
file in the County 202956, Helena, MT
Planning Division 59620-2956 or by call-
ing (406) 447-4276.
N, Ste. 2H/I, Great Written comments
Falls, MT. Any in- must be received at
terested person may the above listed ad-
appear and speak dress by 5:00 PM,
for or against the Tuesday, June 7,
Petition at the Pub- 2016.
lic Hearing or sub- (211328) 5/28, 29,
mit in writing any 30, 31, 6/1, 2, 3, 4, 5,
comments regard- 6, 7.
ing said Petition.

(s) Alex Dachs,
Cascade County
Planning Division
(211348) 6/5, 12.
MNAxLP

REQUEST FOR
PUBLIC
COMMENT
The Montana De-
partment of Public
Health and Human
Services seeks com-
ment on the pro-
posed allocation of
Montana Dakota
Utilities Universal
System Benefit
(USB) funds desig-
nated for low in-
come energy pro-
grams. Draft copies
of the proposed allo-
cation of USB funds